

1 AN ACT in relation to public aid.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 9A-3, 9A-5, 9A-7, 9A-8, 9A-8.1, and 9A-9 as
6 follows:

7 (305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

8 Sec. 9A-3. Establishment of Program and Level of
9 Services.

10 (a) The Illinois Department shall establish and maintain
11 a program to provide recipients with services consistent with
12 the purposes and provisions of this Article. The program
13 offered in different counties of the State may vary depending
14 on the resources available to the State to provide a program
15 under this Article, and no program may be offered in some
16 counties, depending on the resources available. Services may
17 be provided directly by the Illinois Department or through
18 contract. References to the Illinois Department or staff of
19 the Illinois Department shall include contractors when the
20 Illinois Department has entered into contracts for these
21 purposes. The Illinois Department shall provide each
22 recipient who participates with such services available under
23 the program as are necessary to achieve his employability
24 plan as specified in the plan.

25 (b) The Illinois Department, in operating the program,
26 shall cooperate with public and private education and
27 vocational training or retraining agencies or facilities, the
28 Illinois State Board of Education, the Illinois Community
29 College Board, the Departments of Employment Security and
30 Commerce and Community Affairs or other sponsoring
31 organizations funded under the federal Workforce Investment

1 Job--Training--Partnership Act and other public or licensed
2 private employment agencies.

3 (Source: P.A. 92-111, eff. 1-1-02.)

4 (305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)

5 Sec. 9A-5. Exempt recipients.

6 (a) Exempt recipients under Section 9A-4 may volunteer
7 to participate.

8 (b) Services will be offered to exempt and non-exempt
9 individuals who wish to volunteer to participate only to the
10 extent resources permit.

11 (c) Exempt and non-exempt individuals who volunteer to
12 participate become program participants upon completion of
13 the initial assessment, development of the employability
14 plan, and assignment to a component. An exempt individual who
15 volunteers to participate may not be sanctioned for not
16 meeting program requirements. ~~Volunteers who fail to attend~~
17 ~~the orientation or initial assessment meetings or both will~~
18 ~~not be sanctioned.~~ ~~Exempt and non-exempt individuals who~~
19 ~~attend the orientation meeting and become program~~
20 ~~participants by completing the initial assessment,~~
21 ~~development of the employability plan, and assignment to a~~
22 ~~component may be sanctioned if they do not meet program~~
23 ~~requirements without good cause.~~

24 (Source: P.A. 92-111, eff. 1-1-02.)

25 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

26 Sec. 9A-7. Good Cause and Pre-Sanction Process.

27 The Department shall establish by rule what constitutes
28 good cause for failure to participate in education, training
29 and employment programs, failure to accept suitable
30 employment or terminating employment or reducing earnings.

31 The Department shall establish, by rule, a pre-sanction
32 process to assist in resolving disputes over proposed

1 sanctions and in determining if good cause exists. Good cause
2 shall include, but not be limited to:

3 (1) temporary illness for its duration;

4 (2) court required appearance or temporary
5 incarceration;

6 (3) (blank);

7 (4) death in the family;

8 (5) (blank);

9 (6) (blank);

10 (7) (blank);

11 (8) (blank);

12 (9) extreme inclement weather;

13 (10) (blank);

14 (11) lack of any support service even though the
15 necessary service is not specifically provided under the
16 Department program, to the extent the lack of the needed
17 service presents a significant barrier to participation;

18 (12) if an individual is engaged in employment or
19 training or both that is consistent with the employment
20 related goals of the program, if such employment and
21 training is later approved by Department staff;

22 (13) (blank);

23 (14) failure of Department staff to correctly
24 forward the information to other Department staff;

25 (15) failure of the participant to cooperate
26 because of attendance at a test or a mandatory class or
27 function at an educational program (including college),
28 when an education or training program is officially
29 approved by the Department;

30 (16) failure of the participant due to his or her
31 illiteracy;

32 (17) failure of the participant because it is
33 determined that he or she should be in a different
34 activity;

1 (18) non-receipt by the participant of a notice
2 advising him or her of a participation requirement, if
3 ~~documented by the participant. Documentation can include,~~
4 ~~but is not limited to: a written statement from the post~~
5 ~~office or other informed individual; the notice not sent~~
6 ~~to the participant's last known address in Department~~
7 ~~records; return of the notice by the post office; other~~
8 ~~returned mail; proof of previous mail theft problems.~~
9 ~~When determining whether or not the participant has~~
10 ~~demonstrated non-receipt, the Department shall take into~~
11 ~~consideration a participant's history of cooperation or~~
12 ~~non-cooperation in the past.~~ If the documented
13 non-receipt of mail occurs frequently, the Department
14 shall explore an alternative means of providing notices
15 of participation requests to participants;

16 (19) (blank);

17 (20) non-comprehension of English, either written
18 or oral or both;

19 (21) (blank);

20 (22) (blank);

21 (23) child care (or day care for an incapacitated
22 individual living in the same home as a dependent child)
23 is necessary for the participation or employment and such
24 care is not available for a child under age 13;

25 (24) failure to participate in an activity due to a
26 scheduled job interview, medical appointment for the
27 participant or a household member, or school appointment;

28 (25) the individual is homeless. Homeless
29 individuals (including the family) have no current
30 residence and no expectation of acquiring one in the next
31 30 days. This includes individuals residing in overnight
32 and transitional (temporary) shelters. This does not
33 include individuals who are sharing a residence with
34 friends or relatives on a continuing basis;

1 (26) circumstances beyond the control of the
2 participant which prevent the participant from completing
3 program requirements; or

4 (27) (blank).

5 (b) (Blank).

6 (b-5) The Department may not require corroboration of a
7 client's assertion of good cause unless the Department has
8 information that is inconsistent with the client's assertion.

9 (c) (1) The Department shall establish a reconciliation
10 procedure to assist in resolving disputes related to any
11 aspect of participation, including exemptions, good
12 cause, sanctions or proposed sanctions, supportive
13 services, assessments, responsibility and service plans,
14 assignment to activities, suitability of employment, or
15 refusals of offers of employment. Through the
16 reconciliation process the Department shall have a
17 mechanism to identify good cause, ensure that the client
18 is aware of the issue, and enable the client to perform
19 required activities without facing sanction.

20 (2) A participant may request reconciliation and
21 receive notice in writing of a meeting. At least one
22 face-to-face meeting may be scheduled to resolve
23 misunderstandings or disagreements related to program
24 participation and situations which may lead to a
25 potential sanction. The meeting will address the
26 underlying reason for the dispute and plan a resolution
27 to enable the individual to participate in TANF
28 employment and work activity requirements.

29 (2.5) If the individual fails to appear at the
30 reconciliation meeting without good cause, the
31 reconciliation is unsuccessful and a sanction shall be
32 imposed.

33 (3) The reconciliation process shall continue after
34 it is determined that the individual did not have good

1 cause for non-cooperation. Any necessary demonstration
2 of cooperation on the part of the participant will be
3 part of the reconciliation process. Failure to
4 demonstrate cooperation will result in immediate
5 sanction.

6 (4) For the first instance of non-cooperation, if
7 the client reaches agreement to cooperate, the client
8 shall be allowed 30 days to demonstrate cooperation
9 before any sanction activity may be imposed. In any
10 subsequent instances of non-cooperation, the client shall
11 be provided the opportunity to show good cause or remedy
12 the situation by immediately complying with the
13 requirement.

14 (5) The Department shall document in the case
15 record the proceedings of the reconciliation and provide
16 the client in writing with a reconciliation agreement.

17 (6) If reconciliation resolves the dispute, no
18 sanction shall be imposed. If the client fails to comply
19 with the reconciliation agreement, the Department shall
20 then immediately impose the original sanction. If the
21 dispute cannot be resolved during reconciliation, a
22 sanction shall not be imposed until the reconciliation
23 process is complete.

24 (Source: P.A. 90-17, eff. 7-1-97.)

25 (305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)

26 Sec. 9A-8. Operation of Program.

27 (a) At the time of application or redetermination of
28 eligibility under Article IV, as determined by rule, the
29 Illinois Department shall provide information in writing and
30 orally regarding the education, training and employment
31 program to all applicants and recipients. The information
32 required shall be established by rule and shall include, but
33 need not be limited to:

1 (1) education (including literacy training),
2 employment and training opportunities available, the
3 criteria for approval of those opportunities, and the
4 right to request changes in the personal responsibility
5 and services plan to include those opportunities;

6 (1.1) a complete list of all activities that are
7 approvable activities, and the circumstances under which
8 they are approvable, including work activities, substance
9 abuse or mental health treatment, activities to escape
10 and prevent domestic violence, caring for a medically
11 impaired family member, and any other approvable
12 activities, together with the right to and procedures for
13 amending the responsibility and services plan to include
14 these activities;

15 (1.2) the rules concerning the lifetime limit on
16 eligibility, including the current status of the
17 applicant or recipient in terms of the months of
18 remaining eligibility, the criteria under which a month
19 will not count towards the lifetime limit, and the
20 criteria under which a recipient may receive benefits
21 beyond the end of the lifetime limit;

22 (2) supportive services including child care and
23 the rules regarding eligibility for and access to the
24 child care assistance program, transportation, initial
25 expenses of employment, job retention, books and fees,
26 and any other supportive services;

27 (3) the obligation of the Department to provide
28 supportive services;

29 (4) the rights and responsibilities of
30 participants, including exemption, sanction,
31 reconciliation, and good cause criteria and procedures,
32 termination for non-cooperation and reinstatement rules
33 and procedures, and appeal and grievance procedures; and

34 (5) the types and locations of child care services.

1 (b) The Illinois Department shall notify the recipient
2 in writing of the opportunity to volunteer to participate in
3 the program.

4 (c) (Blank).

5 (d) As part of the personal plan for achieving
6 employment and self-sufficiency, the Department shall conduct
7 an individualized assessment of the participant's
8 employability. ~~Except as to participation in the Get-A-Job
9 Program,~~ No participant may be assigned to any component of
10 the education, training and employment activity prior to such
11 assessment unless already engaged in such an activity at the
12 point of entry. The case worker must approve that activity
13 pending completion of the assessment. ~~provided that a
14 participant may be assigned up to 4 weeks of Job Search prior
15 to such assessment.~~ The plan shall include collection of
16 information on the individual's background, proficiencies,
17 skills deficiencies, education level, work history,
18 employment goals, interests, aptitudes, and employment
19 preferences, as well as factors affecting employability or
20 ability to meet participation requirements (e.g., health,
21 physical or mental limitations, child care, family
22 circumstances, domestic violence, substance abuse, and
23 special needs of any child of the individual). As part of
24 the plan, individuals and Department staff shall work
25 together to identify any supportive service needs required to
26 enable the client to participate and meet the objectives of
27 his or her employability plan. The assessment may be
28 conducted through various methods such as interviews,
29 testing, counseling, and self-assessment instruments. The
30 assessment process shall include standard literacy testing
31 and a determination of English language proficiency unless
32 the individual declines such literacy testing or such a
33 determination of language proficiency. ~~for those who display
34 a potential need for literacy or language services. For~~

1 ~~these individuals subject to a job search demonstration,~~
 2 ~~there may be an abbreviated assessment, as defined by rule.~~
 3 Based on the assessment, the individual will be assigned to
 4 the appropriate activity. The decision will be based on a
 5 determination of the individual's level of preparation for
 6 employment as defined by rule.

7 (e) Recipients determined to be exempt may volunteer to
 8 participate pursuant to Section 9A-4 and must be assessed.

9 (f) As part of the personal plan for achieving
 10 employment and self-sufficiency under Section 4-1, an
 11 employability plan for recipients shall be developed in
 12 consultation with the participant. The Department shall have
 13 final responsibility for approving the employability plan.
 14 The employability plan shall:

- 15 (1) contain an employment goal of the participant;
- 16 (2) describe the services to be provided by the
 17 Department, including child care and other support
 18 services;
- 19 (3) describe the activities, such as component
 20 assignment, that will be undertaken by the participant to
 21 achieve the employment goal; and
- 22 (4) describe any other needs of the family that
 23 might be met by the Department.

- 24 (g) The employability plan shall take into account:
- 25 (1) available program resources;
 - 26 (2) the participant's support service needs;
 - 27 (3) the participant's skills level and aptitudes;
 - 28 (4) local employment opportunities; and
 - 29 (5) the preferences of the participant.

30 (h) A reassessment shall be conducted to assess a
 31 participant's progress and to review the employability plan
 32 on the following occasions:

- 33 (1) upon completion of an activity and before
 34 assignment to an activity;

- 1 (2) upon the request of the participant;
- 2 (3) if the individual is not cooperating with the
- 3 requirements of the program; and
- 4 (4) if the individual has failed to make
- 5 satisfactory progress in an education or training
- 6 program.

7 Based on the reassessment, the Department may revise the
8 employability plan of the participant.

9 (Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

10 (305 ILCS 5/9A-8.1)

11 Sec. 9A-8.1. Improvement of information to applicants
12 and recipients.

13 (a) The Illinois Department shall annually review all
14 procedures and written materials that it has in place for
15 purposes of compliance with subsection (a) of Section 9A-8
16 and Section 11-20.1 requiring the Illinois Department to
17 provide full and timely information to applicants and
18 recipients of aid under Article IV of this Code about their
19 opportunities, rights and responsibilities under the
20 Temporary Assistance for Needy Families program and related
21 programs. As part of this annual review, the Illinois
22 Department shall provide copies of all procedures and
23 materials to the Family Self Sufficiency Advisory Council or
24 any successor advisory body containing a similar number and
25 assortment of advocates, providers, contractors, clients, and
26 citizens. The Family Self Sufficiency Advisory Council or
27 successor advisory body shall review the existing procedures
28 and materials in light of program rules, recent changes in
29 the law or rules, and experience in the field, and it shall
30 suggest changes to the Illinois Department. The Illinois
31 Department shall produce new or revised procedures and
32 materials, or ratify the existing ones, for use beginning
33 each October 1. If the Illinois Department rejects changes

1 suggested by the Family Self Sufficiency Advisory Council, it
2 shall explain the reasons in a written response.

3 (b) As part of the annual review required under
4 subsection (a), the Department shall annually evaluate, by
5 applicant and recipient survey and by other methods, the
6 effectiveness of its procedures and written materials for
7 compliance with subsection (a) of Section 9A-8 and with
8 Section 11-20.1. The Department shall report to the Family
9 Self Sufficiency Advisory Council the results of the
10 evaluations and its actions and proposed actions in response
11 to those evaluations.

12 (Source: P.A. 91-331, eff. 7-29-99.)

13 (305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

14 Sec. 9A-9. Program Activities. The Department shall
15 establish education, training and placement activities by
16 rule. Not all of the same activities need be provided in
17 each county in the State. Such activities may include the
18 following:

19 (a) Education (Below post secondary). In the Education
20 (below post secondary) activity, the individual receives
21 information, referral, counseling services and support
22 services to increase the individual's employment potential.
23 Participants may be referred to testing, counseling and
24 education resources. Educational activities will include
25 basic and remedial education; English proficiency classes;
26 high school or its equivalency (e.g., GED) or alternative
27 education at the secondary level; and with any educational
28 program, structured study time to enhance successful
29 participation. An individual's participation in an education
30 program such as literacy, basic adult education, high school
31 equivalency (GED), or a remedial program shall be limited to
32 2 years unless the individual also is working or
33 participating in a work activity approved by the Illinois

1 Department as defined by rule; this requirement does not
2 apply, however, to students enrolled in high school.

3 (b) Job Skills Training (Vocational). Job Skills
4 Training is designed to increase the individual's ability to
5 obtain and maintain employment. Job Skills Training
6 activities will include vocational skill classes designed to
7 increase a participant's ability to obtain and maintain
8 employment. Job Skills Training may include certificate
9 programs.

10 (c) Job Readiness. The job readiness activity is
11 designed to enhance the quality of the individual's level of
12 participation in the world of work while learning the
13 necessary essentials to obtain and maintain employment. This
14 activity helps individuals gain the necessary job finding
15 skills to help them find and retain employment that will lead
16 to economic independence.

17 (d) Job Search. Job Search may be conducted
18 individually or in groups. Job Search includes the provision
19 of counseling, job seeking skills training and information
20 dissemination. Group job search may include training in a
21 group session. Assignment exclusively to job search cannot
22 be in excess of 8 consecutive weeks (or its equivalent) in
23 any period of 12 consecutive months.

24 (e) Work Experience. Work Experience assignments may be
25 with private employers or not-for-profit or public agencies
26 in the State. The Illinois Department shall provide workers'
27 compensation coverage. Participants who are not members of a
28 2-parent assistance unit may not be assigned more hours than
29 their cash grant amount plus food stamps divided by the
30 minimum wage. Private employers and not-for-profit and
31 public agencies shall not use Work Experience participants to
32 displace regular employees. Participants in Work Experience
33 may perform work in the public interest (which otherwise
34 meets the requirements of this Section) for a federal office

1 or agency with its consent, and notwithstanding the
2 provisions of 31 U.S.C. 1342, or any other provision of law,
3 such agency may accept such services, but participants shall
4 not be considered federal employees for any purpose. A
5 participant shall be reassessed at the end of assignment to
6 Work Experience. The participant may be reassigned to Work
7 Experience or assigned to another activity, based on the
8 reassessment.

9 (f) On the Job Training. In On the Job Training, a
10 participant is hired by a private or public employer and
11 while engaged in productive work receives training that
12 provides knowledge or skills essential to full and adequate
13 performance of the job.

14 (g) Work Supplementation. In work supplementation, the
15 Department pays a wage subsidy to an employer who hires a
16 participant. The cash grant which a participant would
17 receive if not employed is diverted and the diverted cash
18 grant is used to pay the wage subsidy.

19 (h) Post Secondary Education. Post secondary education
20 must be administered by an educational institution accredited
21 under requirements of State law. ~~The Illinois Department may~~
22 ~~not approve an individual's participation in any~~
23 ~~post-secondary education program, other than full-time,~~
24 ~~short-term vocational training for a specific job, unless the~~
25 ~~individual also is employed part-time, as defined by the~~
26 ~~Illinois Department by rule.~~

27 (i) Self Initiated Education. Participants who are
28 attending an institution of higher education or a vocational
29 or technical program of their own choosing and who are in
30 good standing, may continue to attend and receive supportive
31 services only if the educational program is approved by the
32 Department, and is in conformity with the participant's
33 personal plan for achieving employment and self-sufficiency
34 and the participant is employed part-time, as defined by the

1 Illinois Department by rule.

2 (j) Job Development and Placement. Department staff
3 shall develop through contacts with public and private
4 employers unsubsidized job openings for participants. Job
5 interviews will be secured for clients by the marketing of
6 participants for specific job openings. Job ready
7 individuals may be assigned to Job Development and Placement.

8 (k) Job Retention. The job retention component is
9 designed to assist participants in retaining employment.
10 Initial employment expenses and job retention services are
11 provided. The individual's support service needs are
12 assessed and the individual receives counseling regarding job
13 retention skills.

14 (l) (Blank).

15 (l-5) Transitional Jobs. These programs provide
16 temporary wage-paying work combined with case management and
17 other social services designed to address employment
18 barriers. The wage-paying work is treated as regular
19 employment for all purposes under this Code, and the
20 additional activities, as determined by the Transitional Jobs
21 provider, shall be countable work activities. The program
22 must comply with the anti-displacement provisions of this
23 Code governing the Work Experience program.

24 (m) Pay-after-performance Program. A parent may be
25 required to participate in a pay-after-performance program in
26 which the parent must work a specified number of hours to
27 earn the grant. The program shall comply with provisions of
28 this Code governing work experience programs.

29 (n) (Blank). Community--Service.---A-participant-whose
30 youngest-child-is-13-years-of-age-or-older-may-be-required-to
31 perform-at-least-20-hours-of-community-service-per-week-as--a
32 condition--of--eligibility--for--aid--under--Article-IV.---The
33 Illinois-Department-shall-give-priority-to-community--service
34 placements-in-public-schools,7-where-participants-can-serve-as

1 hall--and--lunchroom--monitors,--assist-teachers,--and-perform
2 ether-appropriate-services.

3 (Source: P.A. 89-289, eff. 1-1-96; 90-17, eff. 7-1-97;
4 90-457, eff. 1-1-98; 90-655, eff. 7-30-98.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.